

LEGISLATURE OF THE STATE OF IDAHO
Sixty-first Legislature First Regular Session - 2011

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 256

BY WAYS AND MEANS COMMITTEE

AN ACT

RELATING TO PLUMBING AND PLUMBERS; AMENDING SECTION 54-2601, IDAHO CODE, TO PROVIDE THAT ALL PLUMBING AND PLUMBING SYSTEMS SHALL BE DESIGNED, CONSTRUCTED, INSTALLED, IMPROVED, EXTENDED AND ALTERED IN SUBSTANTIAL ACCORD WITH THE IDAHO STATE PLUMBING CODE, TO REVISE PROVISIONS RELATING TO THE DECLARATION OF POLICY AND PURPOSE OF THE ACT, TO PROVIDE FOR NEGOTIATED RULEMAKING, TO PROVIDE FOR PUBLIC HEARINGS, TO PROVIDE FOR NOTICE, TO PROVIDE PROVISIONS RELATING TO CITIES ELECTING TO IMPLEMENT A PLUMBING CODE ENFORCEMENT PROGRAM, TO PROVIDE PROVISIONS RELATING TO CITIES AMENDING THE IDAHO STATE PLUMBING CODE AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 54-2620, IDAHO CODE, TO PROVIDE A CORRECT REFERENCE.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 54-2601, Idaho Code, be, and the same is hereby amended to read as follows:

54-2601. DECLARATION OF POLICY AND PURPOSE OF ACT. (1) The purpose of this act is to provide certain minimum standards and requirements for the use of and the design, construction, installation, improvement, extension and alteration of materials, piping, venting, fixtures, appliances and appurtenances in relation to plumbing and plumbing systems hereinafter defined, and to provide that all plumbing and plumbing systems in the state shall be designed, constructed, installed, improved, extended and altered in substantial accord with the Uniform Idaho state plumbing code published by the International Association of Plumbing and Mechanical Officials, and as it shall be amended, revised, compiled and published from time to time and as such amendments or revisions thereto shall be adopted by the Idaho plumbing board, through the negotiated rulemaking process. The board shall conduct a minimum of two (2) public hearings with express written notice of such public hearings not less than thirty (30) days prior to such hearings to the entities as prescribed by the board in rule.

(2) Cities electing to implement a plumbing code enforcement program shall do so only in compliance with the provisions of this section. Cities may elect to implement a plumbing enforcement program by passing an ordinance or code evidencing the intent to do so. Cities that perform plumbing code enforcement activities shall, by ordinance adopt the Idaho state plumbing code together with any amendments thereto made by the board.

(3) Cities may further amend the Idaho state plumbing code as adopted and amended by the board to address local concerns provided that such amendments prescribe at least an equivalent level of protection to that contained in the Idaho state plumbing code; and further provided however, that no code other than the Idaho state plumbing code may in name or function serve as the minimum standard for plumbing installations in such city. A city shall

not adopt any amendment to the Idaho state plumbing code that has not been adopted, or that has been expressly rejected, or that directly conflicts with an amendment made by the board; provided however, that after a finding by the city that good cause exists for such an amendment to such plumbing code, and that such amendment is reasonably necessary, a city may adopt such provision by ordinance in accordance with the provisions of chapter 9, title 50, Idaho Code, and provided further that such city shall conduct a public hearing, and that notice of the time and place of the public hearing shall be published in the official newspaper or newspaper of general circulation within the city, and written notice of such public hearing and the text of the proposed amendment shall be given by the city to the board and the entities as prescribed by the board in subsection (1) of this section not less than thirty (30) days prior to such hearing.

(4) ~~provided that~~ The remaining provisions of this act shall not apply, except as hereinafter provided, to cities if such cities have or enact ordinances or codes prescribing the Idaho state plumbing code and amendments thereto made in accordance with this section for all plumbing installations which shall be considered the equal minimum standards and requirements including the enforcement thereof as provided by this act.

SECTION 2. That Section 54-2620, Idaho Code, be, and the same is hereby amended to read as follows:

54-2620. PERMITS REQUIRED -- EXCEPTIONS. It shall be unlawful for any person, firm, copartnership, association or corporation to do, or cause or permit to be done, after the adoption of this act, whether acting as principal, agent or employee, any construction, installation, improvement, extension or alteration of any plumbing system in any building, residence or structure, or service lines thereto, in the state of Idaho, without first procuring a permit from the division of building safety authorizing such work to be done, except:

(1) Within the boundaries of incorporated cities, including those specially chartered, where such work is regulated and enforced by an ordinance or code equivalent to this chapter;

(2) Within such additional area within five (5) miles of the city limits over which such city has elected to exercise jurisdiction relative to building drains and building sewers pursuant to section 50-606, Idaho Code, on buildings, residences and structures being converted from an on-site sewage disposal system to a sewage disposal system supplied by the city, where such work is regulated and enforced by an ordinance or code equivalent to this chapter. Cities shall provide the division of building safety written notice of the area over which such jurisdiction will be exercised. No city may exercise such jurisdiction within the limits of another city unless both cities have agreed by ordinance to allow such jurisdiction. For purposes of this chapter building drain and building sewer will be defined according to the definition found in the ~~uniform~~ Idaho state plumbing code or as adopted by the board, pursuant to section 54-2601, Idaho Code.

Permits shall be issued only to a person, or to a firm, copartnership, association or corporation represented by a person holding a valid certificate of competency, or to a person who does his own work in a family dwelling as defined in section 54-2602(1)(a), Idaho Code, except that permits shall

1 not be required for plumbing work as defined in section 54-2602(1)(b),
2 (1)(c) and (1)(d), Idaho Code.

3 Provided, a licensed plumber is hereby authorized, after making appli-
4 cation for permit and pending receipt of permit, to proceed and complete
5 improvements or alterations to plumbing systems, when the cost of said im-
6 provement or alteration does not exceed the sum of five hundred dollars
7 (\$500). Inspection of such work shall be the responsibility of the permit
8 holder pending an official inspection, which shall be made within sixty (60)
9 days after notification of inspection.